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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

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February 24, 1988

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WH

MEMORANDUM FOR MR. MELVYN LEVITSKY
Executive Secretary
Department of State

COL. WILLIAM M. MATZ
Executive Secretary
Department of Defense

Executive Secretary
Central Intelligence Agency

RADM JOSEPH C. STRASSER
Executive to the Chairman
Joint Chiefs of Staff

MR. WILLIAM B. STAPLES
Executive Secretary
Arms Control and Disarmament Agency

SUBJECT: INF Treaty Ratification (U)

I am enclosing the expanded guidance on INF Treaty Article XIV, which has been fully cleared interagency and represents the official USG position on Existing and Future Patterns of Alliance Cooperation. Please ensure that it is distributed to all those within your department or agency who are being called upon to testify before Congress or to speak publicly concerning the Treaty. (U)

This guidance is classified CONFIDENTIAL to ensure that it is employed strictly on a contingency basis. This material can be used to respond to Senate questions in either open or closed session. It is important, however, that if questions are asked which go beyond these specific areas, USG officials should avoid going beyond this guidance and should not speculate concerning other areas of US/Allied cooperation. Any such questions should be taken, and interagency-cleared responses for the record will be provided as expeditiously as possible. (C)

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We appreciate the cooperation which we have received from all agencies in the Treaty ratification effort. Please continue to ensure that responses to all Congressional letters and questions for the record are fully cleared through the established interagency process prior to submission to the Hill. (C)

I am also enclosing an update of our informal status report on INF ratification projects. Please continue to provide to the NSC Staff the information needed to keep this up-to-date, including prompt notification of any new Congressional requests. (C)



Paul Schott Stevens
Executive Secretary

Attachments

- Tab A USG Position on Existing and Future Patterns of
 Alliance Cooperation
- Tab B Informal Status Report

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Q. How does Article XIV affect our Treaty obligations?

A. Article XIV simply reflects the duty of each Party under customary international law to comply with the Treaty. This article is not a non-circumvention provision. It does not impose any additional obligation on the Parties, nor does it broaden the interpretation of other obligations in the Treaty. Further, it refers only to the assumption of obligations in the future, and existing agreements are therefore not affected in any event. Article XIV will not affect existing patterns of defense collaboration or cooperation with our Allies. Nor will this provision preclude cooperation with our Allies in modernization.

Q. Does the Treaty prohibit or preclude U.S. flight-testing of FRG Pershing IA missiles under an existing program of cooperation?

A. Under our existing program of cooperation with the FRG, we have provided U.S. facilities and services to the FRG for its own testing of its Pershing IA missiles. The U.S. itself does not conduct flight tests for the FRG under this program. Thus, this activity is not precluded by the Treaty.

Q. Will the Treaty affect the U.S.-FRG Pershing program of cooperation?

A. No. The Treaty will not affect our existing pattern of cooperation with the FRG. The U.S. RVs now associated with this POC are not subject to Treaty limits until the RVs are released from the POC by unilateral FRG decision. Activities associated with the current POC are not limited by the Treaty. By the time of Treaty signature, the existing program had already reached the point where further production of Treaty-limited items was not contemplated.

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Q. What will be the impact of good-faith U.S. compliance with the Treaty with respect to production and transfer of Treaty-limited systems to our allies?

A. The Parties may not produce a missile, missile stage, or launcher covered by the Treaty. This would prohibit any industrial activity by the parties involving the construction of one or more such missiles, stages or launchers. At the time of Treaty signature, the U.S.-FRG Pershing program of cooperation had already reached the point where further production of Treaty-limited items was not contemplated. There are other classes of systems which could be supplied to third states, consistent with the Treaty. These include GLBMs and GLCMs with ranges less than 500 km or over 5500 km, air-launched or sea-launched systems of any range, and non-weapon-delivery systems.

(Only if asked)

The parties may not produce missiles, stages or launchers covered by the Treaty for any reason, including transfer to a third party. There are no plans for such actions in our existing programs of cooperation.

Q. Does the Treaty allow us to provide technology, blueprints or components to an ally for a GLCM or GLBM that would be Treaty-limited if produced in the United States?

A. The Treaty prohibits us from producing or transferring a missile, missile stage or launcher for a Treaty-limited GLCM or GLBM. It does not prohibit the production or transfer of lesser components, technology, or blueprints, and the United States rejected Soviet proposals for such prohibitions. In any event, each such issue would have to be dealt with on a case-by-case basis, taking into account the obligation to comply in good faith with the treaty.

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(Only if asked)

If, on the other hand, either Party were to attempt in the future to evade the Treaty prohibition on production of missiles, missile stages and launchers by providing to an ally all the components needed to assemble treaty-prohibited items, that would be a violation of its obligation to comply in good faith with the Treaty prohibition.

Q. Does the treaty prohibit private U.S. firms from transferring Treaty-limited items to third states?

A. In practice, private U.S. firms could not transfer Treaty-limited items to third states without U.S. Government involvement. Accordingly, there is no practical distinction in this regard between actions of the U.S. Government and actions of private firms.

Q. What if the UK decided to deploy a conventional, non-nuclear ground-based cruise missile with a range of 4500 kms, and they came to us and asked us for help, for a guidance system. Could we provide them a guidance system or would such an action be prohibited by Article XIV?

A. The Treaty prohibits us from producing or transferring a missile, missile stage or launcher for a Treaty-limited GLCM or GLBM. It does not prohibit the production or transfer of lesser components including guidance elements, technology, or blueprints, and the United States rejected Soviet proposals for such prohibitions.

In any event, issues such as these would be dealt with on a case-by-case basis.

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4:00 p.m.STATUS REPORT ON INF PROJECTS

This is the second installment of our informal status report on interagency work on Senators' questions for the record, and on other INF projects. We will touch this up and update periodically. Drafting agencies are asked to continue to make sure that copies of all completed packets are promptly distributed interagency, preferably via Executive Secretary channel. Our overall count is 213 Q/As completed and submitted to Hill by COB February 23, representing 34% of formally submitted Q's, including new ones (total now 626).

State:

- Wallop, 12 Qs, completed and sent to Hill February 12.
- Biden, 31 Qs, completed and sent to Hill February 17.
- Burt/Glitman/Kampelman follow-on, 10 Qs, completed interagency. Glitman/Kampelman answers sent to Hill this week. Burt has not yet signed his 2 As. There are also 4 new Q's in for Burt--circulated by State February 23.
- Pell, first package, over 100 Qs, completed and submitted to Hill February 23.
- Pell request for answers to Helms, over 200 Qs: First cut went out from State last week. State is fixing it up and incorporating interagency comments. State said some As still need interagency work. State expects to have new cut out by COB today.
- Biden/Pell/Kerry/Pressler, i.e., second set from Biden and third from Pell: Answers being submitted for each Senator individually, at State/H request. Status:
 - °Pressler: 10 Qs, completed and submitted to Hill February 19.
 - °Biden: 15 additional Qs. Completed February 23 and transmitted to Hill.
 - °Pell: 35-40 additional Qs, new cut provided by State February 23. Expect to finalize and submit to H today.
 - °Kerry: 19 Qs, expect to finalize today.
- Cohen/Boren, SSCI: c. 70 Qs, State TF tasked to ACDA. ACDA is pulling together interagency comments. New cut expected tomorrow.

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-- Nunn/Warner, SASC: 135 Qs, sent informally in preparation for Glitman/Kampelman testimony on February 22. SASC staff said they would review testimony and send formally by tomorrow only those Q's which are still unanswered.

-- Quayle, SASC: 35 Qs in letter to SecState. Tasked within State. Will have cut out interagency by end of week.

DOD:

-- Pell request for answers to AEI paper: circulated for interagency clearance February 23. NSC Staff has emphasized importance of this packet and asked it to be worked as expeditiously as possible. Target for completion: COB Thursday, February 25.

-- Carlucci follow up packet, from SASC, 5 Qs. Four completed and sent to Hill February 12. Fifth Q deals with Article 14 and will be submitted today, or tomorrow, as full guidance packet has been cleared (see below).

-- Biden/Pell packet to Carlucci: c. 20 Qs; DOD circulated for interagency clearance last week. Waiting final interagency comments today (State and CIA). Expect to submit to Hill by end of week.

-- SRFC inserts for record, 9 Qs, completed and sent to Hill February 16.

-- Miscellaneous Qs from SSCI, 20-30 Qs, to DIA. Being staffed within IC. NSC asked ISP to prod DIA today.

-- New packet, Sen. McCain, 19 Q's. DOD states they are complicated and include assessments. DOD expects to circulate for interagency clearance by February 26.

- New packet, Sen. Kerry, just received yesterday, 23 Qs: being staffed within DOD; expect to circulate interagency at beginning of next week.

JCS:

-- Crowe follow-up packet, SFRC, 25 Qs: Received February 17. Awaiting packet from JCS for interagency clearance.

Other Projects:

-- ACDA paper, now titled "Topical Overview of the Negotiations," another Pell request: all agencies have agreed it will be submitted to Pell, under Emery cover letter, as soon as agencies are comfortable with text. ACDA has provided new text for final clearance. Completion target: COB Thursday, February 25.

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-- Legal analyses, another Pell request: State/L has drafted response and circulated for clearance in legal channels. Completion target: COB Thursday, February 25.

-- Art. 14 guidance packet. Full packet has been completed and cleared. To be distributed interagency by NSC Executive Secretary February 24.

-- Helms letter to SecState February 9, asking more info on negotiating record. Ball sent interim reply February 16. Tasked by TF to L.

-- JCS, six self-initiated Q/As: Pending final clearance today--OSD is last holdout.

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